

(6)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE:

ORION REFINING CORPORATION,
Debtor.

FLUOR ENTERPRISES, INC.,

Appellant,

v.

ORION REFINING CORPORATION,
Appellee.

Chapter 11

Case No. 03-11483 (MFW)

C.A. No. 06-413 (KAJ)

ORDER DISMISSING APPEAL WITHOUT PREJUDICE

Fluor Enterprises, Inc. having filed a motion to dismiss its appeal from an Opinion and Order of the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") dated May 10, 2006, granting partial summary judgment in favor of Orion Refining Corporation;

IT IS HEREBY STIPULATED AND AGREED, by and among the parties, subject to the approval of the Court, that the order from which this appeal was taken is interlocutory, and pursuant to Fed.R.Bankr.P. 8001(c)(2), the above-captioned appeal is therefore dismissed without prejudice, including without prejudice to either party's right to seek from the Bankruptcy Court an express direction for the entry of judgment dismissing Counts I and IV of the Complaint and

an express determination that there is no just reason for delay pursuant to Federal Rule of Civil Procedure 54(b) and Bankruptcy Rule of Civil Procedure 7054(a).

MONZACK and MONACO, P.A.



Francis A. Monaco, Jr. (#2078)

Kevin J. Mangan (#3810)

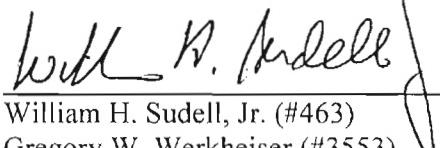
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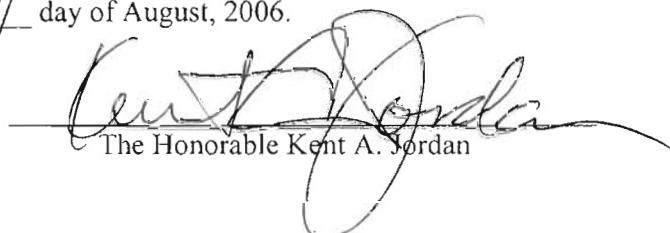
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*Attorneys for Appellee Cypress Associates,
LLC, as ORC Distribution Trust Representative*

IT IS SO ORDERED, this // ¹¹ day of August, 2006.


The Honorable Kent A. Jordan